

Remarks

Claims 9-16 are pending in the application following entry of this Amendment.

Claims 1-8 have been canceled. Claims 9-16 have been added. Claim 9 is the only independent claim pending.

No new matter is added by the amendments and additions made herein. Support for the amendments to these claims is found in the specification as follows.

Page 11, second paragraph, discloses the subject of a core strand.

Page 12, third paragraph, discloses the subject of randomly oriented fibers.

Page 14, last paragraph, discloses the subject of a binder composition or nature, which eliminates subsequent wetting and adhesion enhancing treatments.

Page 15, last paragraph, discloses the subject of enhancing wetting and adhesion characteristics.

Each of the Examiner's objections or rejections is addressed below in the order they were presented in the Office Action.

Provisional Statutory Double Patenting Rejection Pursuant to 35 U.S.C. § 101, in view of Co-pending Claims in Application Serial No. 10/155,650

The Application Serial No. 10/155,650 is abandoned, which removes the basis for the statutory double patenting rejection under 35 USC 101.

Provisional Non-Statutory Double Patenting Rejection Pursuant to 35 U.S.C. § 101, in view of Co-pending Claims in Application Serial No. 10/155,650 in view of Newman et al. (US 6,054,205), GB 2023687 or Schupack (US 4,617,219)

The Application Serial No. 10/155,650 is abandoned, which removes the basis for the non-statutory double patenting rejection under 35 USC 101.

Rejection Pursuant to 35 U.S.C. § 103(a) Over Newman et al. (US 6,054,205) in view of Great Britain '667 (GB 2023687) and optionally Schupack (US 4,617,219).

Newman et al. discloses at column 5, lines 33-49, a melt blown polymer web joined to a mesh having glass transverse yarns 25 and glass longitudinal yarns 30 bonded at crossover points 35 by a polymeric binder, that is moisture and alkali resistant, to provide stability to the glass scrim 15. At column 5, line 64, "Preferably, the polymer coating [binder] is applied to the scrim 15...". At column 8, lines 13—16, "Once the glass scrim 15 is formed and coated with the polymeric binder, the melt blown polymer web 20 is preferably formed onto one face 45 of the glass scrim 15 to cover the mesh openings 40." At column 5, lines 38-39, "The polymeric binder is preferably applied as a low viscosity coating so that it can uniformly penetrate...". Thus, in Newman et al., it would not be feasible to coat the yarns 25 and 30 with the binder, before the yarns are made into a scrim 15, otherwise the binder would act like a glue and tend to adhere the yarns to unwanted surfaces, before the binder coated yarns are formed into the scrim 15. By contrast, Applicant's recited invention recites, mesh fibers that comprise glass core strand material protectively coated with the thermoplastic material prior to forming the mesh first layer, a significant difference over Newman et al.

The GB reference discloses fibers that are made solely of glass for imbedding in a plaster board. See column 2, lines 92-103. Further, the GB reference is directed to making solely, gypsum board or plaster board, which is known to be lacking alkaline properties. Applicant's written description, at page 9, line 27 et seq., states, "Because of the presence of water and alkali in cementitious environments, glass fibers or similar glass core strand materials, ...would fail....". Thus, coating the GB disclosed, glass fibers

with a wetting agent would exacerbate the failure of the glass fibers if embedded in an alkali cement board, because of the presence of both water and alkali. Accordingly, a person having ordinary skill in the art of making an alkali cement board would not adopt the teaching of the GB reference to make an alkali cement board.

Further, Applicant's recited invention is the first disclosure of applying a wetting agent to a water resistant thermoplastic material composition over a glass core strand material to enhance wetting and adhesion to an alkali cementitious matrix, and after imbedding in the hardened alkali cementitious matrix, the thermoplastic material composition over a glass core strand material is protected against premature alkali damage, and is again water resistant.

Further, Applicant's recited invention is the first disclosure of applying a wetting agent to randomly oriented fibers of a water resistant thermoplastic material composition to enhance wetting and adhesion to an alkali cementitious matrix, and after imbedding in the hardened alkali cementitious matrix, the randomly oriented fibers are protected against premature alkali damage, and are again water resistant.

In Newman et al., the polymeric binder is moisture resistant without ever enhancing wetting and adhesion.

In the GB reference, there is no teaching of a water resistant thermoplastic material having a composition to enhance wetting and adhesion to an alkali cementitious matrix, and after being imbedded in the hardened alkali cementitious matrix, the thermoplastic material is again water resistant.

In Schupack, column 4, lines 46-52, the fibers, such as, glass, polyester and polyamide fibers, which are subject to degradation on exposure to alkali, are coated with

an alkali resistant coating. In the Schupack, there is no teaching of a water resistant thermoplastic material composition to enhance wetting and adhesion to an alkali cementitious matrix, and after imbedding in the hardened alkali cementitious matrix, the thermoplastic material is again water resistant.

Rejection Pursuant to 35 U.S.C. § 103(a) Over Newman et al. (US 6,054,205) in view of Great Britain '667 (GB 2023687) and optionally Schupack (US 4,617,219), and further in view of Porter et al (US 5,763,043).

Porter et al was cited for teaching certain numerical values for linear density of rovings, including fiber glass rovings. Applicant's new claims avoid reciting such numerical values. Thereby, Applicant's new claims avoid the Porter et al reference.

Discussion of US 6,254,817 cited in a newly filed Information Disclosure Statement.

US 6,254,817 discloses a coated glass fiber fabric without disclosing the subject of, enhancing the wetting and adhesion of the fabric to an alkali cementitious matrix.

Summary

In view of the foregoing amendments and Remarks in support of patentability of the pending claims, allowance of the application is requested.

The Examiner is invited to telephone or email the undersigned attorney of record to resolve any question or issue, and to advance the prosecution of the application.

Respectfully submitted,

June 30, 2005

(Date)


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Enclosures: Petition for a THREE-Month Extension of Time
New Declaration by the sole inventor
Revocation of power of attorney
Petition to Revive an Abandoned Application
Verified Statement that the Delay was Unintentional
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